



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/806767	BERGER	D 0147-0223P
INTERNATIONAL APPLICATION NO.		
PCT/EP99/07633		
I.A. FILING DATE	PRIORITY DATE	
12 OCT 99	12 OCT 98	
DATE MAILED:		10 MAY 2001

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040 0747

Docketed
7-10-01
Perfect Sequence

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- | | |
|--|--|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input checked="" type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventors(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input checked="" type="checkbox"/> Other: ATTORNEY'S REPLY ORIGINAL |
| <input checked="" type="checkbox"/> Priority Document. | PLEASE LOOK AT YOUR PRE AMT |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | YOU NOW HAVE US2001027501 |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ 268 as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☒ Applicant has ~~not~~ submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

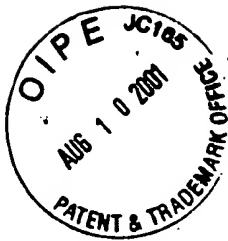
A copy of this notice *MUST* be returned with this response.

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875 ☒ PCT/DO/EO/920

Vonda M. Wallace

FORM PCT/DO/EO-905 (March 2001)

Telephone: 703-305-3736



533 Rec'd PCT/PTO 10 AUG 2001

BOX MISSING PARTS

PATENT

0147-0223P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: BERGER, Dieter et al. Conf.: 4759
Appl. No.: 09/806,767 Group: Unassigned
Filed: April 3, 2001 Examiner: UNASSIGNED
For: MEANS AND METHODS FOR MODULATING
STOMATA CHARACTERISTICA IN PLANTS

THIS IS NOT A NEW PATENT APPLICATION

LETTER SUBMITTING DOCUMENTS
FOR COMPLETION OF AN APPLICATION
PURSUANT TO 37 C.F.R. § 1.53(f) and/or § 1.53(d)

BOX MISSING PARTS

Assistant Commissioner for Patents
Washington, DC 20231

August 10, 2001

Sir:

The application papers for the above-identified application were originally filed on April 3, 2001 and the application was assigned Appl. No. 09/806,767.

DOCUMENTATION

- ☒ Under the provisions of 37 C.F.R. §§ 1.41(c) and 1.53(f), attached hereto is the executed Declaration of the inventor(s) (☐ original ☒ photocopy), necessary for completing the filing requirements in connection with the above-identified application.
- ☐ Under the provisions of 37 C.F.R. §§ 1.41(c) and 1.53(f), attached hereto is the executed Declaration that was attached to the specification at the time of execution. The attached specification is a true copy of the specification that was



Appl. No. 09/806,767

FEES

The Government Filing Surcharge(s) (37 C.F.R. § 1.16(e) and/or § 1.17(k)) and the basic Government Filing Fee(s) (37 C.F.R. § 1.16(a)-(d), if applicable) is/are attached hereto and calculated as follows:

- ☐ Basic Filing Fee(s): \$0.00 (37 C.F.R. § 1.16(a)-(d))
- ☒ The Government Filing Surcharge under 35 U.S.C. § 1.16(e) for late filing of filing fee, oath and/or declaration:
 - ☒ Large Entity - \$130.00
 - ☐ Small Entity - \$ 65.00)
- ☐ The Government Filing Surcharge under 37 C.F.R. § 1.17(k) for filing of translation of non-English Specification in the amount of \$130.00:
 - ☐ was previously paid for concurrently with the filing of the application on .
 - ☐ is attached hereto.
- ☐ No extension fee is required because the undersigned has not yet received the Notice to File Missing Parts of Nonprovisional Application. However, if for some reason it is determined that an extension of time is necessary, applicant hereby respectfully petitions for an extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17.
- ☒ Applicant hereby respectfully petitions for a one (1) month(s) extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17. The required fee of \$110.00 is attached hereto.

Appl. No. 09/806,767

filed in the U.S. Patent and Trademark office on April 3, 2001, including any amendments thereto (if applicable) filed on even date therewith.

☒ The undersigned hereby declares that "Attorney Docket No. 0147-0223P on page 1 of the attached inventors' Declaration, corresponds to Appl. No. 09/806,767, filed April 3, 2001, entitled "MEANS AND METHODS FOR MODULATING STOMATA CHARACTERISTICA IN PLANTS."

☐ Attached are _____ () sheet(s) of formal drawings.

☒ Attached is a copy of the Notice to File Missing Parts of Nonprovisional Application.

☐ Attached is an English language translation of the above-identified application that was filed in a foreign language.

☐ See the attached Translator's Verification; or

☐ The undersigned states that the English translation attached hereto is a true and correct translation of the application as originally filed in a foreign language.

☐ Applicant claims small entity status under 37 C.F.R. § 1.27.

☐ Submitted concurrently herewith **under separate cover** for recording is an Assignment.



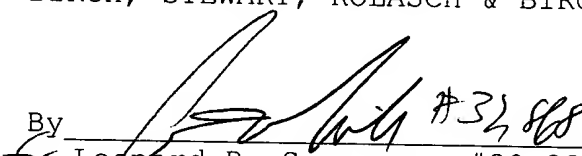
Appl. No. 09/806,767

- ☒ A check in the amount of \$240.00 to cover the basic filing fee(s), surcharge fee(s), and any extension of time fees (if applicable) is enclosed.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this transmittal form is enclosed.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  #32,868
for Leonard R. Svensson, #30,330

kw
LRS/SWG/KW
0147-0223P

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(703) 205-8000

Attachments

08/15/2001 MKAYPAGH 00000016 09806767

(Rev. 01/22/01)

01 FC:115

110.00 OP

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DAH:022448 Name/Number:09806767
FC: 704 \$130.00 CR